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CLERK US DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY ________ DEPUTY

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

UNITED STATES OF AMERICA,	)	
	)	
Petitioner,	)	
	)	
V.	)	**CIVIL ACTION NO.**
	)	
RESIDENCE LOCATED AND SITUATED AT 5441 KARM WAY, SACRAMENTO, SACRAMENTO, COUNTY, CALIFORNIA,	)	A11CA517 LY
	)	
Respondent.	)	

VERIFIED COMPLAINT FOR FORFEITURE

Comes now Petitioner United States of America, acting by and through the United States Attorney for the Western District of Texas and the undersigned Assistant United States Attorney, pursuant to Rule G, Supplemental Rules of Federal Rules of Civil Procedure, and respectfully states as follows:

I.
NATURE OF THE ACTION

This action is brought by the United States of America seeking forfeiture to the United States of the residence located and situated at 5441 Karm Way, Sacramento, Sacramento County, California with all buildings, appurtenances, and improvements thereon and any and all surface and sub-surface rights, title and interests, if any, and being more fully described as follows:

> **Parcel 7A, as shown on the "Parcel Map," filed April 29, 1981, in Parcel Map Book 64, Page 27, of Sacramento County Records. RESERVATIONS FROM AND EXCEPTIONS TO CONVEYANCE AND WARRANTY FOR ALL OF THE AFOREMENTIONED REAL PROPERTY: Easements, rights-of-way, and prescriptive rights, whether of record or not; all presently recorded instruments, other than liens and conveyances, that affect the property.**

hereinafter referred to as the "Respondent Real Property."

IV.
VIOLATIONS

This is a civil forfeiture action *in rem* brought against the Respondent Real Property for violations of 31 U.S.C. § 5324(a)(1) and (a)(3), subject to forfeiture to the United States of America pursuant to 31 U.S.C. § 5317(c)(2), which states:

> **31 U.S.C. § 5317. Forfeiture**
> **(c)(2) Civil Forfeiture**— Any property involved in a violation of section . . . 5324 of this title, or any conspiracy to commit any such violation, and any property traceable to any such violation or conspiracy, may be seized and forfeited to the United States in accordance with the procedures governing civil forfeitures in money laundering cases, pursuant to 18 U.S. C. § 981(a)(1)(A).

I.
JURISDICTION AND VENUE

Under 28 U.S.C. § 1345, this Court has jurisdiction over an action commenced by the United States, and under 28 U.S.C. § 1355(a), jurisdiction over an action for forfeiture. This Court has *in rem* jurisdiction over the Respondent Real Property under 28 U.S.C. § 1355(b). Venue is proper in this district, pursuant to 28 U.S.C. § 1355(b)(1), because the acts or omission giving rise to the forfeiture occurred in this District.

VI.
FACTS IN SUPPORT OF VIOLATIONS

This case involves the structuring of cash deposits into a bank account at bank branches in Texas and California. As fully explained below, an investigation by the Internal Revenue Service ("IRS") showed that Christabel Lisa Percy, a.k.a. Christa Percy, structured currency into her bank account in an attempt to prevent the bank from filing reports required by federal law. Specifically, by depositing cash in increments less than $10,000.00, Percy attempted to prevent the bank from filing Cash Transaction Reports ("CTRs"), which are required by 31 U.S.C. § 5313(a). This structuring activity is a violation of 31 U.S.C. § 5324(a)(1) and (a)(3).

Based on records from JPMorgan Chase Bank ("Chase"), Percy opened a personal checking account, number XXXXX0026, on or about October 6, 2009. Renee Lisa Lujan ("Lujan") was added as a joint owner of the account on or about August 27, 2010. Lujan used the structured funds deposited by Percy to purchase the Respondent Real Property from Percy. As a result, the Respondent Real Property is traceable to the violations of 31 U.S.C. § 5324(a)(1) and (a)(3) and subject to forfeiture pursuant to 31 U.S.C. § 5317.

As part of the investigation, IRS agents learned that Percy repeatedly made cash deposits under $10,000.00 into the personal checking account, number XXXXX0026, during a twenty-day period between July 30, 2010 and August 27, 2010. Percy made seventeen cash deposits in Texas and California[1] ranging between $6,000.00 and $8,000.00, for a total of $111,000.00. The deposits were made as follows:

Deposit Date	**Time**	**Currency Deposit**	**Bank Branch Location**
Friday, July 30, 2010	4:52 p.m.	$6,000.00	Westcreek Branch
Friday, July 30, 2010	5:29 p.m.	$6,000.00	Stassney Branch
Monday, August 2, 2010	9:06 a.m.	$6,000.00	Westcreek Branch
Monday, August 2, 2010	9:13 a.m.	$6,000.00	Slaughter/MoPac Branch
Monday, August 2, 2010	9:25 a.m.	$8,000.00	Slaughter/Brodie Branch
Monday, August 2, 2010	9:38 a.m.	$8,000.00	Slaughter/I35 Branch
Monday, August 2, 2010	10:27 a.m.	$8,000.00	William Cannon Branch

[1] Percy made cash deposits at Chase branches located in Austin, Texas; Harker Heights, Texas; Temple, Texas; and Los Angeles, California.

Deposit Date	Time	Currency Deposit	Bank Branch Location
Tuesday, August 24, 2010	3:37 p.m.	$6,000.00	Slaughter/MoPac Branch
Tuesday, August 24, 2010	3:55 p.m.	$6,000.00	Slaughter/I35 Branch
Tuesday, August 24, 2010	4:07 p.m.	$6,000.00	Slaughter/Brodie Branch
Wednesday, August 25, 2010	4:26 p.m.	$6,000.00	Slaughter/MoPac Branch
Wednesday, August 25, 2010	4:45 p.m.	$6,000.00	Slaughter/Brodie Branch
Wednesday, August 25, 2010	5:04 p.m.	$6,000.00	William Cannon Branch
Thursday, August 26, 2010	4:45 p.m.	$6,000.00	Harker Heights Branch
Thursday, August 26, 2010	5:20 p.m.	$8,000.00	Temple Branch
Friday, August 27, 2010	9:20 a.m.	$6,000.00	Los Angeles Branch
Friday, August 27, 2010	9:49 a.m.	$7,000.00	Los Angeles Branch

The structured deposits occurred over a twenty-day period with multiple deposits of cash made on six days within this time-frame. Percy's deposit activity shows that she was dividing an amount of cash greater than the bank reporting requirement into smaller deposit amounts to avoid filing a CTR. The chart above shows that the total amount of cash deposited on each date exceeded $10,000.00. Based on the frequency of the multiple deposits, Percy must have driven directly or almost directly from one Chase branch to another to make the smaller deposits. This activity was inconsistent with previous bank activity for this account. For example, bank statements show the balance was $2.50 as of July 27, 2010. Lujan never deposited money into the account.

On August 27, 2010, at a Chase branch in Downey, California, Lujan was added as a joint owner of the Chase personal checking account, number XXXX0026. Lujan was added as joint owner after Percy had made all of the structured deposits. In addition, on August 27, 2010, $109,650.00 was withdrawn from the account in the form of a cashier's check made payable to All Communities Escrow. The cashier's check listed Lujan as the sole remitter.

IRS agents were able to trace the cashier's check to the purchase of the Respondent Real Property. Records from All Communities Escrow show that the cashier's check in the amount of $109,650.00 was paid to Percy on August 31, 2010 as the initial payment for the purchase of the Respondent Real Property. Public records show that Percy lived at and owned the Respondent Real Property before its sale to Lujan. A review of public records also revealed that Percy holds a real estate license in California. The address listed on Percy's real estate license is 5441 Karm Way, Sacramento, California, the same address for the Respondent Real Property.

The records from All Communities Escrow also revealed that, between June 7, 2010 and August 6, 2010, Percy had previously attempted to sell, for $110,000.00, the Respondent Real Property to Alvin Alonzo, a.k.a. Alvin Percy ("Alonzo"). However, the sale of the Respondent Real Property was not completed. Records show that federal and state tax liens have been filed against Alonzo by the IRS and the State of California.

A review of public records shows that on or about October 12, 2010, Lujan transferred the Respondent Real Property to the Sasha Trust with an address of 110819 Crown Colony Drive, Unit 40, Austin, Texas pursuant to a Grant Deed signed by Lujan on October 12, 2010. The recording of the Grant Deed was requested by Alonzo, and the recorded Grant Deed was to be returned to him at the same address mentioned above for the Sasha Trust.

Pursuant to information gathered during the investigation, it is believed that the correct address for the Sasha Trust is 10819 Crown Colony Drive, Unit 40, Austin, Texas. The review of records for real property in Travis County, Texas do not show any real property located and situated at 110819 Crown Colony Drive, Unit 40, Austin, Texas. Records do however show real property located and situated at 10819 Crown Colony Drive, Unit 40, Austin, Texas. The real property located and situated at that address is currently owned by Percy pursuant to a General Warranty Deed recorded on July 6, 2010. Current Travis County, Texas public tax records also show Percy, not Alonzo, as the owner.

On September 20, 2010, the joint Chase personal checking account, number XXXX0026, used for the structured transactions, was closed with a final $2.00 withdrawal. There was no other banking activity between August 27, 2010, the date the structured funds were withdrawn, and September 20, 2010. It is evident that all banking activity for the account was related to the structuring of the funds used by Lujan to buy the Respondent Real Property. Also, on December 7, 2010, Alonzo opened a personal checking account at Chase listing his address as 5441 Karm Way, Sacramento, California, the same address as the Respondent Real Property, and the same address as the real property that Alonzo was unable to buy from Percy between June 7, 2010 and August 6, 2010.

Considering in totality the above-described facts and circumstances, the Respondent Real Property is involved in or traceable to deposits structured to avoid currency reporting requirements in violation of 31 U.S.C. § 5324(a)(1) and (a)(3) and subject to forfeiture to the United States of America pursuant to 31 U.S.C. § 5317(c)(2).

VII.
PRAYER

WHEREFORE, Petitioner, United States of America, prays that due process issue to enforce the forfeiture of the Respondent Real Property, that due notice pursuant to Supplemental Rule G(4) be given to all interested parties to appear and show cause why forfeiture should not be decreed,[2] that

[2] Appendix A, which is being filed along with this complaint, will be sent to those known to the United States to have an interest in the Respondent Real Property.

an order to command the Department of the Treasury, Internal Revenue Service to post the Notice of Complaint for Forfeiture in accordance with Rule G, Supplemental Rules of Federal Rules of Civil Procedure and 18 U.S.C. § 985(c)(1)(B), that the Respondent Real Property be forfeited to the United States of America, that the Respondent Real Property be disposed of in accordance with the law, and for any such further relief as this Honorable Court deems just and proper.

Respectfully submitted,

JOHN E. MURPHY
United States Attorney

By: ______________________
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VERIFICATION

Special Agent, Robert Probst, declares and say that:

1. I am a Special Agent with the Department of the Treasury, Internal Revenue Service, assigned to the San Antonio Field Office, and am the investigator responsible for the accuracy of the information provided in this litigation; and

2. I have read the above Verified Complaint for Forfeiture and know the contents thereof; that the information contained in the Verified Complaint for Forfeiture has been furnished by official government sources; and based on information and belief, the allegations contained in the Verified Complaint for Forfeiture are true.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this the 10 day of June, 2011.

GUADALUPE L. MOTLEY
MY COMMISSION EXPIRES
November 17, 2014

Robert Probst, Special Agent
Department of the Treasury
Internal Revenue Service, CID

My Commission Expires: November 17, 2014

Guadalupe L Motley
Notary Public in and for the State of Texas